

REMARKS

Claims 1 – 36 and 56 remain active in the application. Applicants respectfully request rejoinder of previously canceled claims 46 and 47, if the pending claims are found allowable.

Applicants would like to thank Examiners Yu and Le for the courtesy they extended to Applicants' undersigned representative during a personal interview conducted on September 20, 2005. Over the course of the personal interview, Applicants' undersigned representative argued *inter alia* that claim 2, as published in US 2003/0170881 A1 and which recites a valve "connected to an opening in said first conduit, wherein said valve is closed by contact with said sample," is not disclosed, taught or suggested by the disclosure of the prior art of record. Claim 3, as published, likewise recites this limitation. Applicants' undersigned representative, therefore, suggested that claim 1 is to be canceled, without prejudice, and that Applicants' would like the Examiners to reconsider the allowability of claims 2 and 3 and any dependent claims, which depend from either.

Applicants' undersigned representative cordially solicits the allowance of the pending claims, and further respectfully requests rejoinder of claims 46 and 47, the former depending from claim 2 and the latter depending from claim 3.

As for the specific rejections under Section 112 issued in the Final Office Action, Applicants' have amended claims 2 and 3 to delete "at a junction." The first rejection under Section 112, first paragraph, is therefore moot and should be withdrawn. The Examiner also issued a second rejection under Section 112, second paragraph, contending that, regarding claims 1 and 3, "it is unclear whether the fluid is displaced from a second conduit to a first conduit because the sample holding chamber is recited as retaining the sample and *the second conduit is also recited as retaining the sample.*" (emphasis added) Applicants respectfully traverse this rejection on the basis that claim 3 recites "a second conduit for retaining a fluid" – not a sample. This fluid is displaced from "said second conduit into said first conduit," as further recited in the claim. The second rejection against claim 1 is moot because claim 1 has been canceled without prejudice. The second rejection is deemed overcome and should be withdrawn.

As for the specific art-based rejections, Applicants' respectfully assert that the disclosure of the prior art of record does not disclose, teach or suggest the claimed valve "connected to an opening in said first conduit, wherein said valve is closed by contact with said sample." Applicants' undersigned representative believes that the Examiners concur with this assertion.

Applicants' undersigned representative therefore urges that all art-based rejections have been overcome and that they should be withdrawn.


CONCLUSION

Applicants submit that the case is now in condition for allowance. Early notification of such action is earnestly solicited.

Applicant believes that no fee is due in connection with this filing. However, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

The undersigned attorney may be reached at our Washington, D.C. office by telephone at (202) 625-3838 (direct line). All correspondence should be directed to our Chicago address given below.

Respectfully submitted,


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Date: September 22, 2005

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